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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,195	09/30/2003	Andrew Fikes	025.0366.US.UTL	7103
26479	7590	10/03/2006	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,195	Applicant(s) FIKES ET AL.	
	Examiner Tri V. Nguyen	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8-15, 17-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-15, 17-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on July 10, 2006 has been considered but is ineffective to overcome the reference of Radwin. Claims 1, 7, 16 and 29 have been deleted. Claims 2, 6, 8, 9, 12, 14, 15, 17, 18, 28 and 30 have been amended. The currently pending claims considered below are Claims 2-6, 8-15, 17-28 and 30.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2-5, 8-15, 17-19, 21-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Radwin (2003/0050863).

Claim 2: Radwin discloses a system for automatically targeting Web-based advertisements, comprising:

(a) an indexer to identify advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);

(b) a scorer to score the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and

(c) a targeting component to provide at least some of the advertisements as Web-based content,

wherein a numerical score is assigned to the identified advertisements based on a degree of the match (page 2, parag. 22 and page 5, parag. 40-41 and 46).

Claim 3: Radwin discloses a system according to claim 2, wherein the numerical score is determined relative to at least one of a content match and a categorical match (page 4, parag. 39).

Claim 4: Radwin discloses a system according to claim 2, further comprising: a sorter to sort at least some of the identified advertisements by the numerical score (page 5, parag. 40-41).

Claim 5: Radwin discloses a system according to claim 4, further comprising: a selector to select at least some of the sorted identified advertisements relative to a predefined threshold (page 5, parag. 40-41).

Claim 8: Radwin discloses a system for automatically targeting Web-based advertisements, comprising:

- (a) an indexer to identify advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) a scorer to score the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) a targeting component to provide at least some of the advertisements as Web-based content,
- (d) a ranker to rank the identified advertisements using a selection criteria and ordering at least some of the ranked identified advertisements (page 5, parag. 40-41); and

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(e) a selector to select at least some of the ordered identified advertisements relative to a ranking cutoff (page 5, parag. 40-41).

Claim 9: Radwin discloses a system according to claim 8, further comprising: an evaluator to evaluate the selection criteria based on at least one of a fixed cost, variable cost, and random factor associated with one or more of the identified advertisements (page 1, parag. 3-4).

Claim 10: Radwin discloses a system according to claim 9, wherein at least one of an acceptable fixed cost and an acceptable variable cost is applied as the selection criteria (page 5, parag. 40-41 and page 6, parag. 51).

Claim 11: Radwin discloses a system according to claim 9, wherein at least one of the fixed cost and the variable cost is provided as part of the characteristics of the identified advertisements (page 5, parag. 40-41 and page 6, parag. 51).

Claim 12: Radwin discloses a system according to claim 2, further comprising: an advertising creative generator to generate an advertising creative based on the characteristics of at least one such identified advertisement (page 5, parag. 40-41).

Claim 13: Radwin discloses a system according to claim 12, wherein the advertising creative is provided as part of the at least some of the advertisements (page 5, parag. 40-41 and parag. 46).

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Claim 14: Radwin discloses a system according to claim 12, wherein the advertising creative is provided as at least one of a hint provided with at least one such identified advertisement, predefined text, a precomputed advertising creative, and a cached advertising creative (page 2, parag. 22; page 4, parag. 34-36 and page 5, parag. 44, 46).

Claim 15: Radwin discloses a method for automatically targeting Web-based advertisements, comprising:

- (a) identifying advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) scoring the advertisements according to a degree of a match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) providing at least some of the advertisements as Web-based content (page 2, parag. 22 and page 5, parag. 46).

Claim 17: Radwin discloses a method according to claim 15, further comprising: determining the numerical score relative to at least one of a content match and a categorical match (page 4, parag. 39).

Claim 18: Radwin discloses a method according to claim 15, further comprising: sorting at least some of the identified advertisements by the numerical score (page 5, parag. 40-41).

Claim 19: Radwin discloses a method according to claim 18, further comprising: selecting at

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least some of the sorted identified advertisements relative to a predefined threshold (page 5, parag. 40-41).

Claim 21: Radwin discloses a method according to claim 15, further comprising: ranking the identified advertisements using a selection criteria; and ordering at least some of the ranked identified advertisements (page 5, parag. 40-41).

Claim 22: Radwin discloses a method according to claim 21, further comprising: selecting at least some of the ordered identified advertisements relative to a ranking cutoff (page 5, parag. 40-41).

Claim 23: Radwin discloses a method according to claim 21, further comprising: evaluating the selection criteria based on at least one of a fixed cost, variable cost, and random factor associated with one or more of the identified advertisements (page 1, parag. 3-4).

Claim 24: Radwin discloses a method according to claim 23, further comprising: applying at least one of an acceptable fixed cost and an acceptable variable cost as the selection criteria (page 5, parag. 40-41 and page 6, parag. 51).

Claim 25: Radwin discloses a method according to claim 23, further comprising: providing at least one of the fixed cost and the variable cost as part of the characteristics of the identified advertisements (page 5, parag. 40-41).

Claim 26: Radwin discloses a method according to claim 15, further comprising: generating

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an advertising creative based on the characteristics of at least one such identified advertisement (page 5, parag. 40-41).

Claim 27: Radwin discloses a method according to claim 26, further comprising: providing the advertising creative as part of the at least some of the advertisements (page 5, parag. 40-41 and parag. 46).

Claim 28: Radwin discloses a method according to claim 26, further comprising: providing the advertising creative as at least one of a hint provided with at least one such identified advertisement, predefined text, a precomputed advertising creative, and a cached advertising creative (page 2, parag. 22; page 4, parag. 34-36 and page 5, parag. 44, 46).

Claim 30: Radwin discloses an apparatus for automatically targeting Web-based advertisements, comprising:

(a) means for identifying advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);

(b) means for scoring the advertisements according to a degree of a match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36);
and

(c) means for providing at least some of the advertisements as Web-based content (page 2, parag. 22 and page 5, parag. 46).

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4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (2003/0050863).

Claim 6: Radwin discloses a system for automatically targeting Web-based advertisements, comprising:

- (a) an indexer to identify advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) a scorer to score the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) a targeting component to provide at least some of the advertisements as Web-based content, except for a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget. Radwin discloses the use of demographic profiling in the art (page 2, parag. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Radwin, with a filter for specific characteristics and features since it was known in the art that a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget is used to enhance the efficiency of the targeted advertisement by focusing the selection and ensuing delivery of the advertisement to users who are more likely to purchases the items advertised.

Claim 20: Radwin discloses a system according to claim 15, except for further comprising: a filter to filter the identified advertisements relative to at least one of a country, locale,

language, and daily budget. Radwin discloses the use of demographic profiling in the art (page 2, parag. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Radwin, with a filter for specific characteristics and features since it was known in the art that a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget is used to enhance the efficiency of the targeted advertisement by focusing the selection and ensuing delivery of the advertisement to users who are more likely to purchases the items advertised.

Response to Arguments

6. Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive.

A. The Applicant argues that Radwin does not teach "scoring advertisements according to a degree of a match between the query and the characteristics of the identified advertisements" (page 22, parag. 4). The Examiner respectfully disagrees as Radwin teaches an association between a key word and advertisement entries which is a degree of match. The claim does not mention that the matching has to be non-boolean; therefore, in the broadest interpretation, the fact that there is an association is commensurate to having a degree of matching. Furthermore, Radwin teaches the feature of importance weight factors to influence the matching output (page 5, parag. 40-41 and page 8, parag. 67).

B. The Applicant argues that Radwin does not teach a "ranking cutoff" (page 23, parag. 2). First, the Examiner notes that newly independent claim 8 includes the limitation of now cancelled claim 7. The Examiner respectfully disagrees as Radwin teaches a

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“guarantee minimum” which is seen as a ranking cutoff (page 5, parag. 41). Furthermore, Radwin teaches the feature of changing the importance weight factor to increase a particular advertisement above the cutoff (page 5, parag. 40-41).

C. The Applicant argues that Radwin teaches away by mentioning demographics (page 24, parag. 3). First, the Examiner points out that claims 6 and 20 recite the limitation of “at least one of a country, locale, language, and daily budget”, none of these features are mentioned in the Radwin reference concerning demographic characteristics; thus the Applicant’s argument is not directed to the features of the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

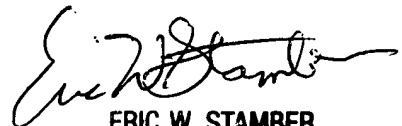
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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